

16569 U.S. PTO
012304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 64906-CON1
Anticipated Classification of
this application: Class
Prior Application:
Examiner: Todd J. KILKENNY
Art Unit: 1733

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a

- ☒ Continuation
☐ Divisional

of pending prior application Serial No. 10/079,732 filed on February 21, 2002 of Frederick Browne GREGG for METHOD FOR MAKING WALLBOARD OR BACKERBOARD SHEETS INCLUDING AERATED CONCRETE.

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy.
2. ☐ Prepare a copy of the prior application.
3. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
4. ☒ The filing fee is calculated below:

**CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY
CLAIMS CANCELED BY AMENDMENT BELOW**

	(Col. 1)		(Col. 2)		SMALL ENTITY			LARGE ENTITY	
FOR:	# FILED		# EXTRA		RATE	FEE		RATE	FEE
BASIC FEE						\$ 385	<u>OR</u>		\$
TOTAL CLAIMS	16	-20	0		X 9	\$	<u>OR</u>	X 18	\$
INDEP CLAIMS	3	- 3	0		X 43	\$	<u>OR</u>	X 84	\$
[] MULTIPLE DEPENDENT CLAIM PRESENTED					+140	\$	<u>OR</u>	+280	
* If the difference in Col. 1 is less than "0", enter "0" in Col. 2.					TOTAL	\$ 385		TOTAL	\$

5. ☒ A check in the amount of \$ 385.00 is enclosed. If any additional extension and/or fee is required, or if any additional fee for claims is required, charge Account No. 01-0484.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER EV 322685328 US

DATE OF DEPOSIT JAN. 23, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20031

JUSTIN GREGG
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Justin Gregg
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

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6. ☒ Cancel in this application original claims 1-60 of the prior application before calculating the filing fee.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by Rule 138 and before payment of base issue fee.)
8. ☒ New formal drawings are enclosed.
9. ☐ Priority of application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. 119.
10. ☒ The prior application is assigned of record to CONSOLIDATED MINERALS, INC.
11. ☒ The power of attorney in the prior application is to:
Herbert L. Allen, Reg. No. 25,322; Christopher F. Regan, Reg. No. 34,906; Jeffrey S. Whittle, Reg. No. 36,382; David L. Sigalow, Reg. No. 36,006; Richard K. Warther, Reg. No. 32,180; Michael W. Taylor, Reg. No. 43,182; Paul J. Ditmyer, Reg. No. 40,455; Henry Estevez, Reg. No. 37,823; John F. Woodson, II, Reg. No. 45,236; Charles E. Wands, Reg. No. 25,649; Carl M. Napolitano, Reg. No. 37,405; Jacqueline E. Hartt, Reg. No. 37,845; and Mark R. Malek, Reg. No. 46,894, all of Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., P.O. Box 3791, Orlando, Florida (name, registration number and address)
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Continue to address all future communications to:
Christopher F. Regan, Reg. No. 34,906, Allen, Dyer, Doppelt, Milbrath, Gilchrist, P.A., P.O. Box 3791, Orlando, FL 32802-3791 (407)-841-2330
12. ☒ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
13. ☒ I hereby verify that the attached papers are a true copy of prior application Serial No. 10/079,732 as originally filed on February 21, 2002.

The undersigned declare(s) further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jan. 23, 2004
Date

Address of signator:

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST
Post Office Box 3791
Orlando, Florida 32802-3791
(407) 841-2330


PAUL J. DITMYER
Registration No. 40,455

☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under Rule 34(a)

Case No. 64906-CON1

**ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

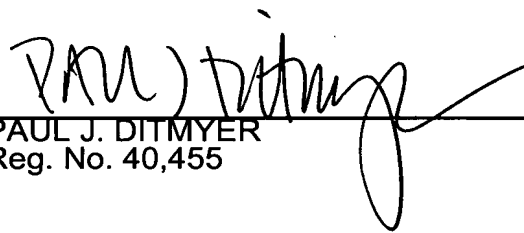
In re Application of: **GREGG**
Serial No.: **NOT YET ASSIGNED**
Filed: **HEREWITH**
For: **METHOD FOR MAKING WALLBOARD OR BACKER SHEETS
INCLUDING AERATED CONCRETE**

Sir:

Transmitted herewith is an INFORMATION DISCLOSURE STATEMENT in the above-identified application.

1. ☒ This IDS is submitted under 37 C.F.R. § 1.97. No fee is required.
2. ☐ This IDS is submitted under 37 C.F.R. § 1.97(c). Enclosed is a check in the amount of \$ 180.00.
3. ☐ This IDS is submitted under 37 C.F.R. § 1.97(c) and (e). No fee is required.
4. ☐ This IDS is submitted under 37 C.F.R. § 1.97(d) and (e). Enclosed is a check in the amount of \$ 130.00 to cover the petition fee.
5. ☒ The Commissioner is hereby authorized to charge or credit any discrepancies in fee amounts to Deposit Account No. 01-0484.

Date: January 23, 2004



PAUL J. DITMYER
Reg. No. 40,455